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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) SON-2943	
	Application Number 10/550,796-Conf. #4006	Filed September 22, 2005
	First Named Inventor Hideki Mori et al.	
	Art Unit 2811	Examiner C. A. Matthews

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 40,290/47,255
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Signature

Christopher M. Tobin/Brian K. Dutton
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Telephone number

September 8, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[x] *Total of 1 forms are submitted.

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Docket No.: SON-2943
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hideki Mori et al.

Application No.: 10/550,796 Confirmation No.: 4006

Filed: September 22, 2005 Art Unit: 2811

For: SEMICONDUCTOR DEVICE Examiner: C. A. Matthews

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

This is in full and timely response to the Office Action mailed on April 15, 2009.

1. ***Claim 7*** - *"Background Art" of the specification for the present application (AAPA) and U.S. Patent No. 5,708,291 (Bohr), either individually or as a whole fail to disclose, teach or suggest a semiconductor device characterized in that in at least one of the above two conductive layers (5A, 5B), a distance (D4) from the contact regions (4A, 4B) connecting the conductive layers (5A, 5B) and the pads (3Ba, 3Bb) to edges of the pad (3Ba, 3Bb) contacting the fuse body (3A) is 0.25 μm to 0.90 μm, as in claim 7.*

AAPA - The Office Action ***readily admits*** that AAPA ***fails*** to disclose a distance from the contact regions (103A, 1035B) connecting the conductive layers (104A, 104B) and the pads (102Ba, 102Bb) to edges of the pad contacting the fuse body (3A) is 0.25 to 0.90 μm (Office Action at page 3).

Bohr - It is well established under U.S. patent practice and procedures that ***drawings do not define the precise proportions*** *of the elements and* ***may not be relied on*** *to show particular sizes if the specification is completely* ***silent*** on the issue. *Hockerson-Halberstadt Inc. v. Avia Group International Inc.*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000). See M.P.E.P. §2125 (***proportions of features in a drawing are not evidence of actual proportions when drawings are not drawn to scale***).

Moreover, arguments based on the measurement of a drawing *are of little value* ***absent any written description*** in the specification of the quantitative values allegedly shown within the drawings. *In re Wright*, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977).

Here, the specification of Bohr ***fails*** to disclose Figure 1B or any of the other drawing figures as being drawn to scale.

In addition, Figure 1B of Bohr arguably depicts the presence of contacts 101, contact regions 120, and a fuse region 122.

However, Bohr is ***silent regarding any distance*** from the contacts 101 to the fuse region 122.

Instead, a review of Bohr would have revealed the disclosure as being ***completely silent*** on the issue of "*the distance from the contacts 101 to the fuse region 122*".

Accordingly, "*the general conditions*" regarding a measurement of the distance from the contacts 101 to the fuse region 122 are ***not present*** within Bohr.

As a consequence, the Office Action ***fails to identify any written description*** in the specification of Bohr for the teaching of a distance from the contacts 101 to the fuse region 122 being 0.25 μm to 0.90 μm.

2. ***Claim 16*** - *AAPA and Bohr, either individually or as a whole fail to disclose, teach or suggest semiconductor device characterized in that, in at least one of the above two conductive layers (5A, 5B), a width (W3) of the portions of the conductive layers (5A, 5B) including the contact regions (4A, 4B) with the pads (3Ba, 3Bb) is 6 μm to 14 μm, as in claim 16.*

AAPA - The Office Action ***readily admits*** that AAPA ***fails*** to disclose that the width of the portions of the conductive layers including the contact regions with the pads is 6 μm to 14 μm (Office Action at page 6).

Bohr - The Office Action ***fails to identify any written description*** in the specification of Bohr for the teaching of the contact regions 120 being 6 μm to 14 μm.

As a consequence, Bohr ***fails*** to disclose, teach, or suggest a width of the portions of the silicide layer 104 disposed on the polysilicon layer 105 including the contact region 120 with the contacts 101 is 6 μm to 14 μm.

3. **Claim 19** – *AAPA and Bohr, either individually or as a whole fail to disclose, teach or suggest semiconductor device wherein at least one of the following is present: (a) the width (W3) of said conductive layer (5A) is 6 μm to 14 μm, (b) the distance (D4) between said fuse line (3Aa) and said opening (4A) is 0.25 μm to 0.90 μm, (c) the length (L1) of the fuse body (3A) is 1.8 μm to 20 μm, as in claim 19.*

AAPA - The Office Action ***readily admits*** that AAPA ***fails*** to disclose that the width of the portions of the conductive layers including the contact regions with the pads is 6 μm to 14 μm (Office Action at page 6).

The Office Action readily admits that AAPA ***fails*** to disclose a distance from the contact regions (103A, 1035B) connecting the conductive layers (104A, 104B) and the pads (102Ba,

102Bb) to edges of the pad contacting the fuse body (3A) is 0.25 to 0.90 μm (Office Action at page 6).

The Office Action ***readily admits*** that AAPA ***fails*** to disclose that the length of the fuse body is 1.8 μm to 20 μm (Office Action at page 7).

Bohr - The specification of Bohr ***fails*** to disclose Figure 1B or any of the other drawing figures as being drawn to scale.

Instead, a review of Bohr would have revealed the disclosure as being ***completely silent*** on the issue of "*the distance from the contacts 101 to the fuse region 122*".

Additionally, a review of Bohr would have revealed the disclosure as being ***completely silent*** on the issue of "*the width of the contact regions 120*".

Claim 19 provides for a fuse body (3A) connected to a pad (3Ba), said fuse body (3A) including a fuse line (3Aa) and two connections (3Ab). Within claim 19, (c) the length (L1) of the fuse body (3A) is 1.8 μm to 20 μm.

Regarding Figure 1B, Bohr arguably discloses that the fuse device 100 may also include ***tapered transitional regions 116*** *between either end of the* ***fuse region 122*** *and the respective* ***contact region 120***.

Page 7 of the Office Action contends that Bohr teaches a fuse body including a fuse line (122) and two connections (116).

However, Bohr ***fails*** to disclose, teach, or suggest a dimensional length based upon the ***combined length*** of the tapered transitional regions 116 and the fuse region 122.

Instead, Bohr merely discloses that in one embodiment, the width 117 of the fuse region from the top view shown in FIG. 1B is close to the lower limit of the process technology used to form the fuse device 100, *about 0.22 microns* in one example, and ***the LENGTH 118 is between four***

to twenty-five times the WIDTH 117 of the fuse region 122 (Bohr at column 3, line 63 to column 4, line 3).

Accordingly, "*the general conditions*" regarding the length a fuse body are ***not present*** within Bohr, the alleged fuse body of Bohr being described within the Office Action as the fuse line (122) and two connections (116).

4. ***Rejections of claims 20, 24 and 25 under 35 U.S.C. §112*** – *While not conceding the propriety of these rejections and in order to advance the prosecution of the present application, claims 20, 24 and 25 have been amended in the Response to Final Office Action of May 27, 2009.*

The Advisory Action dated August 18, 2009 indicates entry of the Response.

Dated: September 8, 2009

Respectfully submitted,

By_____
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